

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 30, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and C. Hon, Deputy Clerk.

Each of the following:

B142023 Albert & Elaine Borchard Foundation v. Ramirez
B142326 In re Marriage of Sanders
B144630 People v. Richardson
B144953 People v. Bates
B145072 People v. Tripp
B146083 People v. Allen
B146091 People v. Dent
B146891 People v. Rich
B147258 People v. Candelario
B147623 D.C.F.S. v. Michelle K.
B149586 D.C.F.S. v. Sharon S.
B150956 Berumen v. David Perez Bail Bonds
B151393 Jonathan W. et al., v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

B147086 Nieto
 v.
 Ramos

Merits:

Argued by Jose Luis Fuentes for appellant. Respondent waived argument.
Cause submitted.

DIVISION ONE (Continued)

B144404 People
 v.
 Vasquez

Merits:

Argued by Mary Bernstein for appellant and by Michael Johnsen, deputy attorney general, for respondent. Cause submitted.

B151444 Toyota Motor Credit Corporation
 v.
 Superior Court, Los Angeles County
 (Cantu, r.p.i.)

Merits:

Argued by Michael D. Young for petitioner and by Rebecca Weinstein for real party in interest. Cause submitted.

B145738 Branch
 v.
 Rohr

Merits:

Argued by Jonathan Greenspan for respondent. No appearance for appellant. Cause submitted.

Ortega, J. leaves the bench.

B144516 People
 v.
 Rogers et al.

Merits:

Argued by Jonathan P. Milberg for appellant Ventura and by Jeffrey A. Hoskinson, deputy attorney general, for respondent. Appellants Rogers and Escalante, Jr. waived argument. Cause submitted.

Ortega, J. returns to the bench.

DIVISION ONE (Continued)

Vogel (Miriam A.), J. leaves the bench.

B137345 Estate of Diane K. Dunbar, deceased
 Dunbar
 v.
 Loshak

Merits:

Argued by Stephanie Nordlinger for appellant and by Michael L. Lyons for respondent. Cause submitted.

Vogel (Miriam A.), J. returns to the bench.

Mallano, J. leaves the bench.

B147760 The Salvation Army
 v.
 City of Long Beach et al.

Merits:

Argued by Michael J. Mais, deputy city attorney, for appellants and by William A. Williams for respondent. Cause submitted.

B152000 Jurcoane
 v.
 Superior Court, Los Angeles County
 (The People, r.p.i.)

Merits:

Argued by Joseph A. Pertel for petitioner and by Patricia Martinez, deputy district attorney for real party in interest. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B149004 Mitchell
 v.
 Superior Court, Los Angeles County
 (The Union Central Life Insurance Company et al., r.p.i.)

Merits:
Argued by Anastasia M. Baumeister for petitioner and by Suzanne J.
Holland for real parties in interest. Cause submitted.

Court adjourned.

B147613 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Gerald H., Sr.

The juvenile court's December 1, 2000 disposition order is affirmed. The
juvenile court's January 30, 2001 order modifying the visitation order is
reversed and the matter is remanded for a new hearing.

Mallano, J.

I concur: Ortega, Acting P.J.
I concur in judgment only: Vogel (Miriam A.), J.

B142063 Ersoff (Not for Publication)
 v.
 Mardirossian & Associates Inc.

The order denying and dismissing the petition to vacate the arbitration
award is reversed. On remand, the trial court is directed to grant the
petition and vacate the arbitration award. Appellant Seth Ersoff is entitled
to costs on appeal.

Mallano, J.

I concur: Spencer, P.J.
I concur in judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B143319 Frazer
 v.
 Bersin et al.

Filed order modifying opinion. (No change in the judgment)

B145444 People (Not for Publication)
 v.
 Solorio

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Ortega, J.

B146639 People (Not for Publication)
 v.
 Neufer

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B149586 Los Angeles County D.C.F.S (Not for Publication)
 v.
 Sharon S.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

DIVISION ONE (Continued)

B150956 Berumen (Not for Publication)
v.
David Perez Bail Bonds et al.

The judgment is affirmed. Accredited Surety is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

[illegible]

The order appealed from is affirmed.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

B144936 People (Not for Publication)
v.
Hawkins

The judgment is affirmed.

Nott, Acting P.J.

We concur: Cooper, J.
Todd, J.

DIVISION TWO (Continued)

B146151 People (Not for Publication)
v.
Iragorri, Jr.

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B148006 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Roselyn Y.

The orders appealed from are affirmed.

Nott, J.

We concur: Boren, P.J.
 Todd, J.

B145529 Hassanshahi (Not for Publication)
v.
Glendale Federal Bank

The judgment is affirmed. Respondent shall receive costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION TWO (Continued)

B146527 Bishop (Not for Publication)
v.
Hug, et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Nott, Acting P.J.

We concur: Cooper, J.
Todd, J.

B146990 People (Not for Publication)
v.
Stone

The judgment is modified to impose a parole revocation fine of \$800 pursuant to section 1202.45, which shall remain suspended unless and until appellant violates parole. The trial court is directed to amend its sentencing order to reflect the parole revocation fine. In all other respects, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION FOUR

B144482 People (Not for Publication)
v.
Choi

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B141658 Therese R. Thomas (Not for Publication)
 v.
 Adly H. Thomas

The judgment is reversed. Each party to bear their own costs.

Grignon, J.

I concur: Willhite, J. (Assigned)
I dissent: Turner, P.J. (Opinion)

B144063 People (Not for Publication)
 v.
 James T. Canady

For the reasons set forth above (see opinion), the judgment is reversed and remanded for the limited purpose of resentencing so the court may either strike or impose the three section 667.5, subdivision (b) enhancements which it incorrectly stayed. In all other respects, the judgment is affirmed.

Willhite, J. (Assigned)

We concur: Grignon, Acting P.J.
 Armstrong, J.

B147840 People (Not for Publication)
 v.
 Michael Ronald Rush

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

October 30, 2001-Continued

DIVISION FIVE (Continued)

B141941 People (Not for Publication)
v.
Victor H. Martinez and Nick J. Navarro

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

B145392 People
v.
William Thomas Perry

Filed order denying petition for rehearing.

DIVISION SIX

B143521 People v. Ryan S. (Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

October 30, 2001-Continued

DIVISION SIX (Continued)

B143501 People (Certified for Publication)
v.
Stanistreet & Atkinson

The judgments of conviction are reversed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B144590 Faber (Not for Publication)
v.
In & Out Plastering

The summary judgments are affirmed. Costs are awarded to respondents.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B144969 People (Not for Publication)
v.
Alberto Lopez

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B144031 People (Not for Publication)
v.
Gustavo Cervantes Garcia

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B143385 People (Not for Publication)
v.
Francisco J. Lizarraga

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
Johnson, J. (Assigned)

B146294 People (Not for Publication)
v.
Allen O.

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B148538 People (Not for Publication)
v.
Kimberly L.

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

B149068 People (Not for Publication)
v.
Tekle Ekube Gebreslassie

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B146758 Susan Groves (Not for Publication)
v.
Kessler Plumbing, Inc.

The order of the superior court on KPI's motion to set aside default and default judgment is reversed. The order of the superior court on KPI's motion to enjoin enforcement of the judgment is vacated. Appellant to recover its costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B144800 Michele Orford-Klock (Not for Publication)

v.

Southern California Gas Company et al.

The judgment is reversed in part and affirmed in part. Each party to bear their own costs.

Lillie, P.J.

We concur: Woods, J.
Boland, J. (Assigned)

B142507 Sandra Levine (Not for Publication)

v.

Michael Levine

The order regarding child support is affirmed in part and reversed in part, and remanded for proceeding consistent with the views expressed herein. The order awarding Sandra's attorneys' fees is affirmed. Each party to bear their own costs.

Lillie, P.J.

We concur: Johnson, J.
Woods, J.

B144955 Patricia Chavez (Not for Publication)

v.

First Data Corporation et al.

The order is affirmed. Respondent is entitled to costs on appeal.

Lillie, P.J.

We concur: Woods, J.
Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B140286 Louis Giovanini (Not for Publication)
 v.
 Joseph Fredrics

The judgment is affirmed. Respondent is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

B138822 Eshag Kahen et al. (Not for Publication)
 v.
 Farmers Insurance Exchange et al.

The summary judgment in favor of respondents Farmers and Eckstein is affirmed. Respondents are entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

B141595 Stephen Edwards (Not for Publication)
 v.
 Melvyn Rosenstein

The judgment is affirmed. Respondent is entitled to costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B142893 Williams Lucas et al. (Not for Publication)
 v.
 Stephen P. Volpe et al.

The judgment is affirmed, and the order awarding attorney's fees is affirmed. Each side to bear its own costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Boland, J. (Assigned)

B151279 Stephen and Sandra V.
 v.
 Bethany Christian Services
 Dolores D.

Filed order modifying opinion. (No change in the judgment)